

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/942,763

It is indicated that "Applicants request for Declaration of Interference is not granted because there is not a statement alleging that there is a basis upon which the applicant is entitled to a judgment relative to the patentee."

Applicants again respectfully traverse this rejection for the following reasons and in view of the concurrently filed Statement Under 37 C.F.R. § 1.608(a).

Applicants previously submitted an Amendment Under 37 C.F.R. § 1.111, Amendment Under 37 C.F.R. § 1.48(b) and a Request for Declaration of Interference Under 37 C.F.R. § 1.607. These papers were filed on April 10, 2002. The Request for Declaration of an Interference requested that an interference be declared between the present Application and Krumwiede.

Applicants are filing concurrently herewith a Statement Under 37 C.F.R. § 1.608(a) asserting that there is a basis upon which Applicants are entitled to judgment relative to the patentee, Krumwiede.


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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